

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TAMMY ALVARADO, CLARA)	
REDMOND, TAMMY HAGA, and AMY)	
RUMINSKI,)	
)	Case No. 4:19-CV-02148
Plaintiffs,)	
v.)	(JURY)
)	
CLARK, LOVE & HUTSON, G.P., LEE &)	
MURPHY LAW FIRM, G.P., CLAYTON A.)	
CLARK, CLAYTON A. CLARK, ESQ., PC,)	
SCOTT A. LOVE, SCOTT A. LOVE, PC,)	
SHELLEY HUTSON, HUTSON LAW FIRM,)	
PC, JAMES LEE, JR., JAMES LEE LAW)	
FIRM, PC, AND ERIN MURPHY,)	
)	
Defendants.)	

**DEFENDANTS' PROPOSED QUESTIONS
FOR VOIR DIRE EXAMINATION**

EXHIBIT 4 TO DEFENDANTS' PRE-TRIAL ORDER

**CLH DEFENDANTS' PROPOSED QUESTIONS
FOR VOIR DIRE EXAMINATION**

CLH Defendants¹ file these Proposed Questions for Voir Dire Examination. Defendants request that the panel members be asked the following questions. Defendants cannot anticipate the responses of the panel members and whether the response might trigger the need for follow-up questions. Therefore, if a panel member responds affirmatively to any question, Defendants request that the Court inquire whether the experience in question would: (1) affect the way the member might view the evidence in the case; (2) incline the member to feel sympathy, hostility, or skepticism toward any party in the case or to require a higher or lower level of proof, or (3) tend to influence the member's verdict apart from the evidence to be introduced at trial.

VOIR DIRE SUBMISSIONS BY CLH DEFENDANTS

PARTIES AND ATTORNEYS

1. The CLH Law Firm and its owners are defendants in this lawsuit. Have any of you heard of or know of the CLH firm defendant or their attorneys Dale Jefferson, Raul Suazo or Billy Shepherd?
Without saying how you heard about them, are they positive or negative feelings?
2. Before hearing any evidence, does anyone think that CLH may have done something wrong simply because someone has claimed that they did something wrong?
3. Does anyone think that CLH as a defendant has less rights to seek justice in this courtroom because someone has claimed that they did something wrong?
4. Does anyone think that lawyers are more or less likely to tell the truth simply by reason of the fact that they are lawyers? In other words, do you think lawyers are more likely to be dishonest than the average person?
5. In case of a conflict in testimony, would you tend to disbelieve CLH's side of the story because some of the main witnesses on their side are lawyers or because CLH is a law firm?

¹ The CLH Defendants include Clark, Love & Hutson, GP, Clayton A. Clark, Clayton A. Clark, Esq., PC, Scott A. Love, Scott A. Love, PC, Shelley Hutson, and Hutson Law Firm, PC.

TVM CLAIMS

1. Have any of you or one of your friends or family members been implanted with transvaginal mesh?
2. Have any of you or your friends/family submitted or filed a claim against any mesh manufacturer because of the implantation of TVM? If so, please describe the circumstances:
 - (a) When was the claim filed or approximately how long ago?
 - (b) Did you or your friend/family member receive any money?
 - (c) Were you/they represented by in-state and out-of-state counsel, and who were the lawyers involved?
3. Have any of you ever filed a lawsuit before? If so, please describe the lawsuit. Did the case have the outcome you sought?
4. Have any of you been sued before? If so, please describe this. Did the case have the outcome you sought?

PROBLEMS WITH ATTORNEYS

1. Have any of you or someone you know sued a lawyer?
2. Have any of you or someone you know filed a grievance against a lawyer?
3. Have any of you or someone you know been in a dispute with a lawyer over fees or expenses?
4. Have any of you or someone you know had a bad or negative experience with a lawyer?
5. Do any of you have any preconceived notions about plaintiff personal injury/mass tort lawyers?
6. How many of you have hired a lawyer before?
 - (a) Who was your lawyer?
 - (b) Without personal or confidential details, what was the case about?
 - (c) Were you satisfied with your lawyer?

- (d) Did you expect that your lawyer would work for free?
 - (e) How was your lawyer paid (hourly or contingent fee)?
 - (f) Do you have good things to say about your lawyer?
 - (g) Does anyone have a family member or close friend who is a lawyer? Who?
7. Has anyone here ever filed for themselves or their employer an application for an injunction?
8. If so, please explain.

BURDEN OF PROOF

The law requires that the Plaintiffs prove their case by a preponderance of the evidence. “Preponderance of the evidence” is defined as “the greater weight and degree of credible evidence” and “the amount of evidence that persuades [the jury] that a claim is more likely so than not so.”²

1. Will anyone here require the Plaintiffs to prove their claims by less than the law requires before you would return a verdict in favor of them?
2. Is there anyone here who does not think that the Plaintiffs should have to prove their case by a preponderance of the evidence?
3. Is there anyone here who does not think that the burden of proof by a preponderance of the evidence is fair, or cannot comply with this standard?

QUESTIONS – EMPLOYMENT AREAS

1. Is anyone here employed in the field of engineering, law or medicine – either yourself or your spouse?
 - Please describe your occupational duties and where you work.
 - Anything about your occupation that might influence your jury service?
2. How many people here have a written contract of employment?
3. How many people here work at their job which is based on a contractual agreement between your employer and third parties?
4. How many people here directly supervise other employees at your place of work?

² Fifth Circuit Pattern Jury Instructions: Civil, § 3.1.

- Are you considered a management level employee?
5. Have any of you ever been involved in a joint enterprise, joint venture, or business arrangement where you and others equally shared the work and responsibilities of your business?
 - Do you know if your business was a joint venture or joint enterprise?
 - Did anyone ever tell you your business was a joint venture or joint enterprise?
 - Have you ever determined if your business was a joint venture or joint enterprise?
 6. How many people own their own business?
 - Is it a corporation, L.P., L.L.P., P.C., or L.L.C.?
 7. How many of you have done business with people from out-of-state or out-of-the area?
 - (a) If you would, could you generally describe that circumstance?
 - (b) Is there anything about those business dealings with out-of-state residents that you had that would result in a bias or prejudice that favors a local resident or an out-of-state resident involved in a business dispute?
 8. How many of you through your work are paid for providing a service as opposed to being paid for selling goods or merchandise? If so, please generally describe the service that you provide.
 9. How many of you have been paid while serving as an independent contractor? If so, please generally describe the service that you provide.
 10. How many of you have had jobs where one of your responsibilities is to review the language or wording of contracts? If so, please generally describe the service that you provide.

PRIOR JURY SERVICE

1. How many of you have served on a jury before?
2. What type of case was it?
3. Where you able to reach a verdict?
4. Is there anything about that prior jury service that would prohibit you from being a fair and impartial juror in this case?

PERSONAL HARDSHIP TO SERVE ON THIS CASE

1. Would any of you have any personal hardship serving as a juror on a trial that may take two weeks? If so, please describe the circumstances.
2. This case is expected to last about 6-7 days. Do you have any confirmed vacation plans or other family matters that would conflict with jury service?
3. Do you have any condition that would interfere with your serving as a juror in this case?
4. Would you be paid by your employer during jury service?
5. Have you heard anything during this jury-selection process that causes you concern about your ability to be a fair and impartial juror in this case?
6. Is there any matter that you would like to discuss privately that bears on your ability to serve as a juror in this case?

VOIR DIRE SUBMISSIONS BY LEE MURPHY DEFENDANTS

A. Legal work experience:

1. Have you ever practiced law, worked in the legal field, or a law related field?
2. Have you ever worked for a lawyer or law firm specializing in representing plaintiffs in personal injury cases?
3. Have you ever worked for a lawyer or law firm specializing in representing plaintiffs in products liability cases?
4. Have you ever worked for a lawyer or law firm specializing in mass torts?

B. Transvaginal mesh experience:

5. Have you or anyone close to you ever suffered from stress urinary incontinence?
6. Have you or anyone close to you ever suffered from pelvic organ prolapse?
7. Have you or anyone close to you ever had a medical procedure involving a transvaginal mesh implant?

8. Have you or anyone close to you been involved in litigation related to transvaginal mesh implants?

C. Mass tort experience

9. Have you or anyone close to you been involved in a mass-tort lawsuit, a lawsuit in which numerous plaintiffs with similar claims filed suit against one or several defendants?
10. If so, what happened?
11. If you recovered money, how did you feel about the amount you received compared to your injury?

D. Lawyers:

12. What are your general feelings about plaintiffs' lawyers?
13. On a scale of 1 to 10, 1 being the lowest and ten the highest, how trustworthy are plaintiffs' lawyers?
14. Have you or someone you know closely had a bad experience with a lawyer?
15. Have you or anyone close to you ever been involved in a lawsuit with a former attorney?
16. If so, what was the lawsuit about?

E. Lawsuits:

17. Has anyone been a plaintiff who filed a civil lawsuit? If so, what happened?
18. Has anyone been named a defendant in a civil lawsuit? If so, what happened?

F. Contingent fees:

19. Has anyone or anyone close to you ever retained an attorney under a contingent fee agreement?
20. How do you feel about contingent fee agreements with attorneys?

G. News sources:

21. Where do you get your news?
22. What news sources do you consider reliable?

H. Damages:

23. Do you agree or disagree with the following statement: The amount a jury can award for pain and suffering and other non-economic damages should be limited in all cases. (strongly agree, agree, disagree, strongly disagree).
24. Do you agree or disagree with the following statement: Large damages awards are one reason insurance costs are so high. (strongly agree, agree, disagree, strongly disagree).